

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
	{	
Margaret Ann Boyce,	{	CASE NO. 10-87184-MGD
	{	
Debtor.	{	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Margaret A. Boyce has filed a Motion to Retain Excess Insurance Proceeds and related papers with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion to Retain Excess Insurance Proceeds in Courtroom **1201**, United States Courthouse, 75 Spring Street, SW. Atlanta, Georgia at **10:00am** on **October 22, 2014**.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.). If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: October 1, 2014

/S/
Lauren Drayton
Attorney for the Debtor
Georgia Bar No. 876061
Robert J. Semrad & Associates
101 Marietta Street NW
Suite 3600
Atlanta, GA 30303
(678) 668-7160

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Debtor.	{	

MOTION TO RETAIN EXCESS INSURANCE PROCEEDS

COMES NOW Margaret A. Boyce, Debtor in the above styled Chapter 13 case, and move this Court for entry of an Order authorizing Debtor's use of excess insurance proceeds. Debtor respectfully shows the Court:

1.

This Court has jurisdiction in the matter pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 151 et seq. and 11 U.S.C. 101 et seq.

2.

Venue is appropriate pursuant to 28 U.S.C. Section 1409.

3.

This matter is a core proceeding as defined in 28 U.S.C. Section 157(b)(2)(A).

4.

Debtor filed for relief in the above-styled Chapter 13 case on September 13, 2010.

5.

Debtor's vehicle was in an accident on or about July 7, 2014 and the vehicle has been designated as a total loss. Debtor's insurance company has offered \$5,625.74 to settle the claim (See Exhibit A).

6.

The lien held by Regional acceptance Corporation has been paid off through the Chapter 13 Plan payments.

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DEBTOR	{	

CERTIFICATE OF SERVICE

I hereby certify that I am more than 18 years of age and that I have this day served a copy of the within Motion to Retain Insurance Proceeds upon the following by depositing a copy of the same in U.S. Mail with sufficient postage affixed thereon to ensure delivery:

Margraet A Boyce
4831 Lantern Court
Lithonia, GA 30038

(See attached matrix for additional creditors served.)

I further certify that, by agreement of parties, Mary Ida Townson, Standing Chapter 13 Trustee, was served via the ECF electronic mail/noticing system

This 1st day of October, 2014

_____/S/
Lauren Drayton
Attorney for the Debtor
Georgia Bar No. 876061
Robert J. Semrad & Associates
101 Marietta Street NW
Suite 3600
Atlanta, GA 30303
(678) 668-7160

C/O American Infosource
Po Box 54529
Oklahoma City, OK 73154

Credit First
Po Box 818011
Cleveland, OH 44181

Credit One Bank
Po Box 98875
Las Vegas, NV 89193

Dekalb Medical
2701 N Decatur Road
Decatur, GA 30033

First Premier Bank
3820 N Louise Ave
Sioux Falls, SD 57107

Gemb/jcp
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076

Hsbc Bank
Attn: Bankruptcy
Po Box 5213
Carol Stream, IL 60197

I C System Inc
Po Box 64378
Saint Paul, MN 55164

Main Street Acquisition
3950 Johns Creek Ct Ste
Suwannee, GA 30024

Meta Bank
PO Box 91607
Sioux Falls, SD 57109

Regional Acceptance
2300 Pleasant Hill
Duluth, GA 30096

Tnb-visa
Po Box 560284
Dallas, TX 75356

EXHIBIT

Progressive Group of Insurance Companies

Settlement Summary**Claim Information**

Claim Number: 14-4732676-01

Policy Number:

Owner: BOYCE, MARGARET

Coverage Type of Loss: COLLISION

Loss Date: 07/07/2014

Reported Date: 07/07/2014

Valuation Report ID: 1004487634

Vehicle InformationLoss Vehicle: 2006 KIA SORENTO EX 4D SUV 3.5L 6 Cyl Gas A
2WD

Location: GA 30038

VIN: KNDJD733X65643667

Mileage: 152,440 miles

Title History: No

Exterior Color:

License Plate:

Title History Comments:

Loan Information

Lien Holder Payoff:

\$0.00

Loan/Lease Payoff Coverage:

\$0.00

Payment Information

Lien Holder Payment(s):

\$0.00

Net to Owner:

\$5,625.74

Settlement

Stated Amount:	\$0.00
Actual Cash Value:	\$6,168.92
Base Value:	\$6,286.79
Title History Adjustment:	-\$0.00
Refurbishment Adjustment:	\$0.00
After Market Parts Adjustment:	\$0.00
Condition Adjustment:	-\$117.87
Prior Damage Adjustment:	-\$0.00
Market Value:	\$ 6,168.92
Settlement Adjustment(Pre-Tax):	\$0.00
Fees:	\$25.00
Taxes:	\$431.82
Company Obtains:	\$0.00
Net Settlement:	\$6,625.74
Settlement Adjustment(Post-Tax):	\$0.00
Deductible:	-\$1,000.00
Other Adjustments:	\$ 0.00
Total Settlement:	\$5,625.74

Adjuster License #:

Comments:

- 1K deductible